

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARLO MARQUEZ,

Plaintiff,

vs.

Civ. No. 01-445 WWD/LFG

THE CITY OF ALBUQUERQUE, OFFICER
ANDREW LEHOCKEY (both in his official
capacity as a police officer and individually),

Defendants.

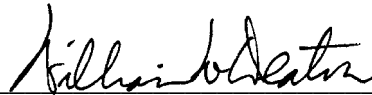
MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant Lehockey's "Motion in Limine No.

1: The Exclusion of Evidence at Trial Regarding the Officer's Use of Force in Prior and Subsequent Unrelated Incidents, Internal Affairs Complaints, the Filing of Civil Rights Lawsuits, and the Settlement of Civil Lawsuits" (Docket No. 120). The motion seeks to have the Court exclude the categories of information listed above with respect to any officer involved in the case as a party, a witness or otherwise. The motion will be granted with respect to all such officers. Plaintiff fails to make a persuasive argument that would take the proposed "other acts" evidence out from under the strictures of Federal Rule of Evidence 404(b), and the evidence could easily be viewed in such a way as to be impermissibly prejudicial, confusing and misleading under Federal Rule of Evidence 403. Plaintiff's argument that the Federal Rules of Evidence do not apply to Bart, the police service dog, is a diversion but it is not persuasive.

WHEREFORE,

IT IS ORDERED that Defendant Lehockey's "Motion in Limine No. 1: The Exclusion of Evidence at Trial Regarding the Officer's Use of Force in Prior and Subsequent Unrelated Incidents, Internal Affairs Complaints, the Filing of Civil Rights Lawsuits, and the Settlement of Civil Lawsuits" (Docket No. 120) be, and it is hereby, **GRANTED**.

A handwritten signature in black ink, appearing to read "William B. Deaton", written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE